

DEPARTMENT OF SOCIAL SERVICES

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January 30, 1985

ALL-COUNTY LETTER NO. 85-15

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY COUNSELS

SUBJECT: SPECIAL PROCEDURES FOR CHILD VICTIMS OF SEVERE PHYSICAL ABUSE -  
CHAPTERS 1246 AND 1608, STATUTES OF 1984

Chapter 1246 (AB 2703) and Chapter 1608 (SB 1293), Statutes of 1984, each contain additions and amendments to the Civil Code and the Welfare and Institutions Code (WIC) effective January 1, 1985, relative to very young children who are victims of severe physical abuse. Studies have shown that approximately 60 percent of children suffering major physical injury due to abuse are under the age of three. These two newly enacted statutes provide increased protections to this particularly vulnerable population of children. New provisions include allowing earlier permanency planning hearings and termination of parental rights than is allowed in cases involving older children. These special provisions are based on considerations that the younger the age of the child when corrective intervention occurs, the less the potential for long-term trauma and the better chance the child has of obtaining an alternative permanent, stable home environment. Appropriate safeguards are provided for parental rights through the continued provision of reunification services and burden of proof requirements.

Specifically, Chapter 1246 amends WIC Section 332 to require that a petition filed for court dependency of a child under age three contain an allegation of severe physical abuse when the social worker intends to request a court finding sustaining such an allegation. The court cannot remove the child from the physical custody of the parent(s) on the basis of severe physical abuse unless such an allegation has been made in the petition. It also amends Section 356 of the Code to require the court, if it declares such a minor a dependent under Section 300(d), to make a finding as to whether or not the minor has been a victim of severe physical abuse. It defines "severe physical abuse" as any of the following: "any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or repeated acts of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture or unconsciousness."

Chapters 1246 and 1608 both amend WIC Section 361 to provide that a child may be removed from parental custody if, while under the age of three, the child was a victim of severe physical abuse by any parent or by any person sharing the home of the parent at the time he or she seeks custody of the child. If a child is removed because of severe physical abuse by the parent(s), family reunification services ordered by the court shall exclude unsupervised visits and trial placements in the home.

An investigation by the probation officer/social worker shall be ordered by the court to determine the circumstances surrounding the severe physical abuse. A report based on that investigation must advise the court whether these circumstances indicate continued attempts at reunification would be detrimental to the child. Such detriment must be established by a preponderance of the evidence. A copy of the report must be provided to the parent(s).

The court must review the probation officer's/social worker's report as soon as possible, but in any case no later than six months after removal of the child. If the report concludes that family reunification services would be detrimental, a recommendation must be made concerning a permanent plan for the child. If the court makes a finding sustaining the probation officer's/ social worker's conclusion that reunification would be detrimental to the child, a permanency planning hearing must be held immediately or as soon as feasibly possible.

If the child is removed because of severe physical abuse inflicted by someone other than the parent(s), parental rights may be terminated permanently if custody cannot be resumed within 12 months of the dispositional hearing. If the child is removed because of severe physical abuse inflicted by the parent(s), parental rights may be terminated earlier than 12 months from disposition if the court finds, upon completion of the investigation by the probation officer/social worker, that reunification would be detrimental to the child.

The department will be publishing proposed regulations pertaining in part to case management responsibilities for cases involving severe physical abuse. Pertinent excerpts from Chapters 1246 and 1608 are attached for your information. If you have any questions, please contact your Adult and Family Services Program Operations Consultant at (916) 322-6671 or ATSS 492-6671.



LOREN D. SUTER  
Deputy Director  
Adult and Family Services Division

Attachment

Excerpts From  
Senate Bill No. 1293

CHAPTER 1608

An act to amend Section 232 of the Civil Code, to amend Sections 319, 360, 361, 366, 366.25, 11400, 11401, and 11404.1 of, and to add Section 319.1 to, the Welfare and Institutions Code, relating to children, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 29, 1984. Filed with  
Secretary of State September 30, 1984.]

SEC. 9.5. Section 232 of the Civil Code is amended to read:

232. (a) An action may be brought for the purpose of having any child under the age of 18 years declared free from the custody and control of either or both of his or her parents when the child comes within any of the following descriptions:

(1) The child has been left without provision for the child's identification by his or her parent or parents or by others or has been left by both of his or her parents or his or her sole parent in the care and custody of another for a period of six months or by one parent in the care and custody of the other parent for a period of one year without any provision for the child's support, or without communication from the parent or parents, with the intent on the part of the parent or parents to abandon the child. The failure to provide identification, failure to provide support, or failure to communicate shall be presumptive evidence of the intent to abandon. If the parent or parents have made only token efforts to support or communicate with the child, the court may declare the child abandoned by the parent or parents. In those cases in which the child has been left without provision for the child's identification and the whereabouts of the parents are unknown, a petition may be filed after the 120th day following the discovery of the child and citation by publication may be commenced. The petition may not be heard until after the 180th day following the discovery of the child.

(2) Who has been neglected or cruelly treated by either or both parents, if the child has been a dependent child of the juvenile court under any subdivision of Section 300 of the Welfare and Institutions Code and the parent or parents have been deprived of the child's custody for one year prior to the filing of a petition pursuant to this section. Physical custody by the parent or parents for insubstantial periods of time shall not serve to interrupt the running of the one-year period.

(3) Whose parent or parents suffer a disability because of the habitual use of alcohol, or any of the controlled substances specified in Schedules I to V, inclusive, of Division 10 (commencing with Section 11000) of the Health and Safety Code, except when these controlled substances are used as part of a medically prescribed plan, or are morally depraved, if the child has been a dependent child of the juvenile court, and the parent or parents have been deprived of the child's custody continuously for one year immediately prior to the filing of a petition pursuant to this section. As used in this subdivision, "disability" means any physical or mental incapacity which renders the parent or parents unable to adequately care for and control the child. Physical custody by the parent or parents for insubstantial periods of time shall not interrupt the running of the one-year period.

(4) Whose parent or parents are convicted of a felony, if the facts of the crime of which the parent or parents were convicted are of a nature so as to prove the unfitness of the parent or parents to have the future custody and control of the child.

(5) Whose parent or parents have been declared by a court of competent jurisdiction, wherever situated, to be developmentally disabled or mentally ill, if, in the state or country in which the parent or parents reside or are hospitalized, the Director of Mental Health or the Director of Developmental Services, or their equivalent, if any, and the superintendent of the hospital of which, if any, the parent or parents are inmates or patients, certify that the parent or parents so declared to be developmentally disabled or mentally ill will not be capable of supporting or controlling the child in a proper manner.

(6) Whose parent or parents are mentally disabled and are likely to remain so in the foreseeable future. As used in this subdivision, "mentally disabled" means that a parent or parents suffer any mental incapacity or disorder which renders the parent or parents unable to adequately care for and control the child. The evidence of any two experts, each of whom shall be either a physician and surgeon, certified either by the American Board of Psychiatry and Neurology or under Section 6750 of the Welfare and Institutions Code, or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders, shall be required to support a finding under this subdivision. If, however, the parent or parents reside in another state or in a foreign country, the evidence required by this subdivision may be supplied by the affidavits of two experts, each of whom shall be either a physician and surgeon who is a resident of that state or foreign country, and who has been certified by a medical organization or society of that state or foreign country to practice psychiatric or neurological medicine, or by a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders and who is licensed in that state or authorized to practice in that country. If the rights of any parent are sought to be terminated pursuant to this subdivision, and the parent has no attorney, the court shall appoint an attorney for the parent pursuant to Section 237.5, whether or not a request for the appointment is made by the parent.

(7) Who has been in out-of-home placement under the supervision of the juvenile court, the county welfare department, or other public or private licensed child-placing agency for a one-year period, if the court finds that return of the child to the child's parent or parents would be detrimental to the child and that the parent or parents have failed during that period, and are likely to fail in the future, to maintain an adequate parental relationship with the child, which includes providing both a home and care and control for the child.

If the minor has been adjudged a dependent child of the juvenile court and placed in out-of-home placement pursuant to Section 361 of the Welfare and Institutions Code, the one-year period shall be calculated from the date of the dispositional hearing at which the child was placed in out-of-home placement pursuant to that section. If the minor is in placement under the supervision of a county

SEC. 12. Section 361 of the Welfare and Institutions Code is amended to read:

361. (a) In all cases in which a minor is adjudged a dependent child of the court on the ground that the minor is a person described by Section 300, the court may limit the control to be exercised over the dependent child by any parent or guardian and shall by its order clearly and specifically set forth all such limitations. The limitations shall not exceed those necessary to protect the child.

(b) No dependent child shall be taken from the physical custody of his or her parents or guardians unless, upon the hearing, the juvenile court finds clear and convincing evidence of any of the following:

(1) There is a substantial danger to the physical health of the minor or would be if the minor was returned home, and there are no reasonable means by which the minor's physical health can be protected without removing the minor from the minor's parents' or guardians' physical custody.

(2) The parent or guardian of the minor is unwilling to have physical custody of the minor, and the parent or guardian has been notified that if the minor remains out of their physical custody for the period specified in Section 366.25, the minor may be declared permanently free from their custody and control under Section 232 of the Civil Code.

(3) The minor is suffering severe emotional damage, as indicated by extreme anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, and there are no reasonable means by which the minor's emotional health may be protected without removing the minor from the minor's parents' or guardians' physical custody.

(4) The minor has been sexually abused and there are no reasonable means by which the minor can be protected from further sexual abuse without removing the minor from his or her parent or guardian or the minor does not wish to return to his or her parent or guardian.

(5) The minor, while under the age of three, was a victim of severe physical abuse by any parent or guardian seeking custody of the minor, or by any person sharing the home of the parent or guardian at the time he or she seeks custody of the minor. For the purposes of this section, "severe physical abuse" means any of the following: any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, it would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or repeated acts of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness. A minor may not be removed from the physical custody of his or her parents or guardians on the basis of a finding of severe physical abuse unless the probation officer has made such an allegation pursuant to Section 332.

welfare department or other public or private licensed child-placing agency, pursuant to a voluntary placement, as described in Section 16507.4 of the Welfare and Institutions Code, the one-year period shall be calculated from the date the minor entered out-of-home placement.

The court shall make a determination that reasonable services have been provided or offered to the parents which were designed to aid the parents to overcome the problems which led to the deprivation or continued loss of custody and that despite the availability of these services, return of the child to the parents would be detrimental to the child. The probation officer or social worker currently assigned to the case of the child shall appear at the termination proceedings.

If the minor has been adjudged to be a dependent child of the court pursuant to Section 300 of the Welfare and Institutions Code, the court shall review and consider the contents of the juvenile court file in determining if the services offered were reasonable under the circumstances.

Trial placement of the child in the physical custody of the parent or visitation of the child with the parent during the one-year period, when the trial placement or visitation does not result in permanent placement of the child with the parent, shall not serve to interrupt the running of the one-year period.

(8) A minor who has been found to be a dependent child of the court, pursuant to subdivision (d) of Section 300 of the Welfare and Institutions Code, as a result of severe physical abuse by a parent inflicted when the minor was under three years of age, who has been removed from the physical custody of the parent because of severe physical abuse by that parent pursuant to paragraph (5) of subdivision (b) of Section 361 of the Welfare and Institutions Code, and concerning whom the juvenile court has found that attempts at reunification with his or her parent or parents would be detrimental, pursuant to subdivision (c) of Section 366 of the Welfare and Institutions Code. In cases brought under this subdivision, the finding of the juvenile court that the minor was a victim of severe physical abuse, if final, shall be binding on the court. For purposes of this section, "severe physical abuse" means any of the following:

(A) Any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, it would cause permanent physical disfigurement, permanent physical disability, or death.

(B) Any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling.

(C) Repeated acts of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

The provisions of this paragraph only shall be applicable to free a child from the custody and control of a parent who has inflicted severe physical abuse on that child.

(b) At all termination proceedings, the court shall consider the wishes of the child and shall act in the best interests of the child.

(c) A finding pursuant to this section shall be supported by clear and convincing evidence.

(d) Section 5155 shall not apply to proceedings pursuant to this section.

The court shall state the facts on which the decision to remove the child is based. The court shall make a determination as to whether reasonable efforts were made to prevent or to eliminate the need for removal of the child from his or her home. The court also shall inform the parent or parents of the provisions of Section 366.25 of this code and Section 232 of the Civil Code and shall specify one of the following: (A) if the minor is removed for one of the reasons stated in paragraphs (1) to (4), inclusive, of this subdivision, or because of severe physical abuse inflicted by a person other than the parent or parents pursuant to paragraph (5) of this subdivision, that the parent's or parents' parental rights may be terminated permanently under Section 366.25 of this code and Section 232 of the Civil Code if they are not able to resume custody within 12 months or (B) if the minor is removed because of severe physical abuse by a parent or parents as stated in paragraph (5) of this subdivision, the parental rights of the parent or parents inflicting that abuse may be terminated permanently under Section 366.25 of this code and Section 232 of the Civil Code if the court finds, upon completion of the investigation required under subdivision (e), that reunification with the parent or parents would be detrimental to the minor. In such a case, the court shall specifically advise the parent or parents of paragraph (8) of subdivision (a) of Section 232 of the Civil Code and of the consequences which may result pursuant to the provisions of that paragraph from matters proven in and found by the juvenile court.

(c) If the minor is taken from the physical custody of the minor's parents or guardians and unless the minor is placed with relatives, the minor shall be placed in foster care in the county of residence of the minor's parents or guardians in order to facilitate reunification of the family.

In the event that there are no appropriate placements available in the parents' or guardians' county, a placement may be made in an appropriate place in another county, preferably a county located adjacent to the parents' or guardians' community of residence.

Nothing in this section shall be interpreted as requiring multiple disruptions of the minor's placement corresponding to frequent changes of residence by the parents or guardians. In determining whether the minor should be moved, the probation officer will take into consideration the potential harmful effects of disrupting the placement on the minor and the parents' or guardians' reason for the move.

(d) Whenever the probation officer must change the placement of the minor and is unable to find a suitable placement within the county and must place the minor outside the county, no such placement shall be made until he or she has served written notice on the parents or guardians in the same manner as provided in Section 366 at least 14 days prior to the placement unless the child's health or well-being is endangered by delaying the action or would be endangered if prior notice were given. The notice shall state the reasons which require placement outside the county. The parents or guardians may object to the placement not later than seven days after receipt of the notice and, upon objection the court shall hold a hearing not later than five days after the objection and prior to the placement. The court shall order out-of-county placement if it finds that the minor's particular needs require placement outside the county.

(e) The court shall make all the findings required by subdivision (a) of Section 366 in either of the following circumstances:

(1) The minor has been taken from the custody of his or her parents or guardians and has been living in an out-of-home placement pursuant to Section 319.

(2) The minor has been living in a voluntary out-of-home placement pursuant to Section 16507.4.

(f) In any case where a minor is removed from a parent's or guardian's custody for one of the reasons stated in paragraphs (1) to (4), inclusive, of subdivision (b), or because of severe physical abuse inflicted by a person other than the parent or parents pursuant to paragraph (5) of subdivision (b), the juvenile court shall order the probation officer to provide child welfare services to the minor and the minor's parents or guardians for the purpose of facilitating reunification of the family within a maximum time period not to exceed 12 months. When counseling or other treatment services are ordered, the parent shall be ordered to participate in such services, unless such participation is deemed by the court to be inappropriate or potentially detrimental to the child. Services may be extended up to an additional six months if it can be shown that the objectives of the service plan can be achieved within the extended time period. Physical custody of the minor by the parents or guardians during the 18-month period shall not serve to interrupt the running of the period. In any case where a minor is removed from a parent's or guardian's custody because of severe abuse by a parent or parents as stated in paragraph (5) of subdivision (b), the juvenile court shall order the probation officer to provide appropriate reunification services except unsupervised visits and trial placements in the home and to investigate the circumstances surrounding the severe physical abuse of the minor and to prepare a report which advises the court whether there are circumstances which, in spite of the severe physical abuse, indicate that it would not be detrimental to the minor to continue to attempt reunification of the family. The probation officer shall provide the parent or parents with a copy of the report, including his or her conclusion that it would or would not be detrimental to the minor to continue to attempt reunification of the family, at least 14 days before the hearing. This report shall be submitted to the juvenile court at the first review hearing required by subdivision (a) of Section 366. The report shall include a statement of the circumstances relied upon in drawing the conclusion that it would or would not be detrimental to the minor to continue to attempt reunification of the family. If the report concludes that reunification would be detrimental to the minor, the report shall make recommendations concerning an appropriate permanent plan for the minor.

SEC. 13. Section 366 of the Welfare and Institutions Code is amended to read:

5 366. (a) The status of every dependent child in foster care shall be reviewed periodically as determined by the court but no less frequently than once every six months, as calculated from the date of the original dispositional hearing, until the permanency planning hearing required under Section 366.25 is completed. The court shall determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and shall project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship.



(b) Subsequent to the permanency planning hearing periodic reviews of each child in foster care shall be conducted pursuant to the requirements of Sections 366.25 and 16503.

(c) In the case of a minor who has been removed from the physical custody of his or her parent or guardian because of severe physical abuse pursuant to paragraph (5) of subdivision (b) of Section 361, the court shall, as soon as reasonably feasible but in no case later than six months from that removal, conduct a hearing to review the report of the probation officer required by subdivision (e) of Section 361. If the court finds at the review that it would not be detrimental to the minor to attempt to reunify the minor with his or her parent or guardian, the court shall proceed pursuant to subdivision (a). If the court finds that it would be detrimental to the minor to attempt to reunify the minor with his or her parent or guardian, the court shall immediately proceed to conduct a permanency planning hearing for the minor pursuant to Section 366.25. The probation department shall have the burden of establishing that detriment by a preponderance of the evidence.

SEC. 16. Section 366.25 of the Welfare and Institutions Code is amended to read:

366.25. (a) In order to provide stable, permanent homes for children, a court shall, if the minor cannot be returned home pursuant to subdivision (e) of Section 366.2, conduct a permanency planning hearing to make a determination regarding the future status of the minor no later than 12 months after the original dispositional hearing in which the child was removed from the custody of his or her parent, parents, or guardians, and in no case later than 18 months from the time of the minor's original placement pursuant to Section 319 or Section 16507.4 and periodically, but no less frequently than once each 18 months, thereafter during the continuation of foster care. The permanency planning hearing may be combined with the six months' review as provided for in Section 366. In the case of a minor who has been removed from his or her parent or guardian pursuant to paragraph (5) of subdivision (b) of Section 361 because of severe physical abuse, and concerning whom the court has found, pursuant to subdivision (c) of Section 366, that return of the minor to his or her parent or guardian would be detrimental to the minor, a permanency planning hearing shall be held immediately upon the making of such a finding, or as soon thereafter as is reasonably feasible.

(b) Notice of the proceeding to conduct the review shall be mailed by the probation officer to the same persons as in an original proceeding; to the minor's present custodian; and to the counsel of record, by certified mail addressed to the last known address of the person to be notified; or shall be personally served on such persons not earlier than 30 days, nor later than 15 days prior to the date the review is to be conducted.

(c) Except in cases where permanency planning is conducted pursuant to subdivision (c) of Section 366, the court shall first determine at the hearing whether the minor should be returned to his or her parent or guardian, pursuant to subdivision (e) of Section 366.2. If the minor is not returned to the custody of his or her parent or guardian the court shall determine whether there is a substantial probability that the minor will be returned to the physical custody of his or her parent or guardian within six months. If the court so

determines it shall set another review hearing for not more than six months, which shall be a permanency planning hearing. In the case of a minor who has been removed from the physical custody of his or her parent or guardian because of severe physical abuse pursuant to paragraph (5) of subdivision (b) of Section 361, and concerning whom the court has found pursuant to subdivision (c) of Section 366 that attempts at reunification with his or her parent or guardian would be detrimental, the court shall not continue proceedings for further review pursuant to this subdivision.

(d) If the court determines that the minor cannot be returned to the physical custody of his or her parent or guardian and that there is not a substantial probability that the minor will be returned within six months, the court shall develop a permanent plan for the minor. In order to enable the minor to obtain a permanent home the court shall make the following determinations and orders:

(1) If the court finds that the minor is adoptable, according to this article, the court shall authorize the appropriate county or state agency to proceed to free the minor from the custody and control of his or her parents or guardians pursuant to Section 232 of the Civil Code unless the court finds that any of the following conditions exist:

(A) The parents or guardians have maintained regular visitation and contact with the minor and the minor would benefit from continuing this relationship.

(B) A minor 12 years of age or older objects to termination of parental rights.

(C) The minor's foster parents are unable to adopt the minor because of exceptional circumstances which do not include an unwillingness to accept legal responsibility for the minor, but are willing and capable of providing the minor with a stable and permanent environment and the removal of the minor from the physical custody of his or her foster parents would be seriously detrimental to the emotional well-being of the minor.

(2) If the court finds that the minor is unadoptable or that one of the conditions in subparagraph (A), (B), or (C) of paragraph (1) applies, the court shall order the appropriate county department to initiate or facilitate the placement of the minor in a home environment that can be reasonably expected to be stable and permanent. This may be accomplished by initiating legal guardianship proceedings or long-term foster care. Legal guardianship shall be considered before long-term foster care, if it is in the best interests of the child and if a suitable guardian can be found. When the minor is in a foster home and the foster parents are willing and capable of providing a stable and permanent environment, the minor shall not be removed from the home if the removal would be seriously detrimental to the emotional well-being of the minor because the minor has substantial psychological ties to the foster parents.

(3) (A) If the court finds that the minor is not adoptable, that there is no suitable adult available to become the legal guardian of the minor, and that there are no suitable foster parents except exclusive-use homes available to provide the minor with a stable and permanent environment, the court may order the care, custody, and control of the minor transferred from the county welfare department or probation department to a licensed homefinding agency. The court shall consider the written recommendation of the county welfare director or chief probation officer regarding the suitability of such a transfer. The transfer shall be subject to further court orders.

(B) The licensed homefinding agency shall place the minor in a suitable licensed or exclusive-use home which has been certified by the agency as meeting licensing standards. The licensed homefinding agency shall be responsible for supporting the minor and for providing appropriate services to the minor, including those services ordered by the court. Responsibility for support of the minor shall not in and of itself create liability on the part of the homefinding agency to third persons injured by the minor. Those minors whose care, custody, and control are transferred to a homefinding agency shall not be eligible for foster care maintenance payments or child welfare services, except for emergency response services pursuant to Section 16504.

(C) Notwithstanding the provisions of subdivision (j), subsequent reviews for these minors shall be conducted every six months by the court. The licensed homefinding agency shall be required to submit reports for each minor in its care, custody, and control to the court concerning the continuing appropriateness and extent of compliance with the minor's permanent plan, the extent of compliance with the case plan, and the type and adequacy of services provided to the minor.

(e) Notwithstanding Section 1510 of the Probate Code, the proceeding for the appointment for a guardian for a minor under this section shall be in the juvenile court. In such a case, the juvenile court may appoint a guardian pursuant to the standards and procedures otherwise specified by the Probate Code.

(f) When an adoption of the minor has been granted, the court shall terminate its jurisdiction over the minor.

(g) Periodic reviews conducted by the court subsequent to the initial permanency planning hearing shall determine the appropriateness of the placement, the continuing appropriateness and extent of compliance with the permanent plan for the child, the extent of compliance with the case plan, and adequacy of services provided to the child.

(h) Physical custody of a minor by his or her parents or guardians for insubstantial periods during the 12-month period prior to a permanency planning hearing shall not serve to interrupt the running of such periods.

(i) Subsequent permanency planning hearings need not be held if (1) the child has been freed for adoption and placed in the adoptive home identified in the previous permanency planning hearing and is awaiting finalization of the adoption or (2) the child is a ward of a guardian.

(j) Subsequent reviews shall be conducted every six months and be conducted by an administrative review board except when the court requires a court review or a court review is requested by the minor's parents or guardian or by the minor.

(k) Notwithstanding any other provision of law, the application of any person who, as a foster parent, has cared for a dependent child for whom the court has approved a permanent plan for adoption, or who has been freed for adoption, shall be given preference with respect to that child over all other applications for adoptive placement if the agency making the placement determines that the child has substantial emotional ties to the foster parent and removal from the foster parent would be seriously detrimental to the child's well-being.

As used in this subdivision, "preference" means that the application shall be processed and, if satisfactory, the family study shall be completed before the processing of the application of any other person for the adoptive placement of the child.

**Excerpts From**  
**Assembly Bill No. 2703**

**CHAPTER 1246**

An act to amend Section 232 of the Civil Code, and Sections 332, 356, 361, 366, 366.2, and 366.25 of the Welfare and Institutions Code, relating to minors.

[Approved by Governor September 18, 1984. Filed with  
Secretary of State September 18, 1984.]

SEC. 2. Section 332 of the Welfare and Institutions Code is amended to read:

332. A petition to commence proceedings in the juvenile court to declare a minor a ward or a dependent child of the court shall be verified and shall contain all of the following:

(a) The name of the court to which it is addressed.  
(b) The title of the proceeding.  
(c) The code section and subdivision under which the proceedings are instituted. If it is alleged that the minor is a person described by subdivision (d) of Section 300, the petition shall contain an allegation that severe physical abuse has occurred if the probation officer intends to request a finding of severe physical abuse pursuant to Section 356.

(d) The name, age, and address, if any, of the minor upon whose behalf the petition is brought.

(e) The names and residence addresses, if known to the petitioner, of both parents and any guardian of the minor. If there is no parent or guardian residing within the state, or if his or her place of residence is not known to the petitioner, the petition shall also contain the name and residence address, if known, of any adult relative residing within the county, or, if there is none, the adult relative residing nearest to the location of the court.

(f) A concise statement of facts, separately stated, to support the conclusion that the minor upon whose behalf the petition is being brought is a person within the definition of each of the sections and subdivisions under which the proceedings are being instituted.

(g) The fact that the minor upon whose behalf the petition is brought is detained in custody or is not detained in custody, and if he or she is detained in custody, the date and the precise time the minor was taken into custody.

(h) A notice to the father, mother, spouse, or other person liable for support of the minor child, of all of the following: (1) Section 903 makes that person, the estate of that person, and the estate of the minor child, liable for the cost of the care, support, and maintenance of the minor child in any county institution or any other place in which the child is placed, detained, or committed pursuant to an order of the juvenile court; (2) Section 903.1 makes that person, the estate of that person, and the estate of the minor child, liable for the cost to the county of legal services rendered to the minor or the parent by a private attorney or a public defender appointed pursuant to the order of the juvenile court; (3) Section 903.2 makes that person, the estate of that person, and the estate of the minor child, liable for the cost to the county of the probation supervision of the minor child by the probation officer pursuant to the order of the juvenile court; and (4) the liabilities established by these sections are

SEC. 3. Section 356 of the Welfare and Institutions Code is amended to read:

356. After hearing the evidence, the court shall make a finding, noted in the minutes of the court, whether or not the minor is a person described by Section 300. If it finds that the minor is not such a person, it shall order that the petition be dismissed and the minor be discharged from any detention or restriction theretofore ordered. If the court finds that the minor is such a person, it shall make and enter its findings and order accordingly and shall then proceed to hear evidence on the question of the proper disposition of the minor. Prior to making a finding required under this section, the court may continue the hearing, if necessary, to receive the social study of the probation officer, or to receive other evidence on its own motion, the motion of a parent or guardian, or the motion of the minor as follows:

(a) If the minor is detained during the continuance, the continuance shall not exceed 10 judicial days.

(b) If the minor is not detained during the continuance, the continuance shall not exceed 30 days after the date of filing the petition. However, the court may, for cause, continue the hearing for an additional 15 days.

(c) The court may make such order for detention of the minor or for the minor's release from detention, during the period of the continuance, as is appropriate.

If the court finds that the minor is a person described by subdivision (d) of Section 300, it shall make and enter a finding as to whether or not the minor has been a victim of severe physical abuse.

For the purposes of this section, "severe physical abuse" means any of the following: any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, it would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or repeated acts of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.